

erated from any such patent, copyright, invention, product formulation, or publication shall inure to the benefit of the Honey Board.

(Pub. L. 98-590, §7, Oct. 30, 1984, 98 Stat. 3117; Pub. L. 101-624, title XIX, §§1983, 1984(a), Nov. 28, 1990, 104 Stat. 3905.)

AMENDMENTS

1990—Subsec. (c)(2). Pub. L. 101-624, §1983(1)(B), (C), in concluding provisions, substituted “submit nominations for an alternate” for “nominate an alternate or alternates” and inserted at end “However, no producer-packer who, during any three of the preceding five years, purchased for resale more honey than such producer-packer produced shall be eligible for nomination or appointment to the Honey Board as a producer described in subparagraph (A) or as an alternate to such producer.”

Subsec. (c)(2)(C). Pub. L. 101-624, §1983(1)(A), added subpar. (C) and struck out former subpar. (C) which read as follows: “two members who are importers appointed from nominations submitted by the Committee from recommendations made by industry organizations representing importer interests;”.

Subsec. (c)(4). Pub. L. 101-624, §1983(1)(D), inserted before period at end “, except that if, as a result of the adjustment of the boundaries of the regions established under paragraph (2)(A), a producer member or alternate is no longer from the region from which such person was appointed, such member or alternate may serve out the term for which such person was appointed”.

Subsec. (e)(1). Pub. L. 101-624, §1984(a)(1), substituted new second sentence for “For the first year in which the plan is in effect, the assessment rate shall be \$0.01 per pound, with payment to be made in the manner described in section 4608 of this title. After the first year, the Honey Board may submit to the Secretary a request for an increase in the assessment rate not to exceed 0.5 cent per year, but at no time may the total assessment rate exceed \$0.04 per pound.”

Subsec. (e)(2), (3). Pub. L. 101-624, §1984(a)(2), added pars. (2) and (3) and struck out former par. (2) which read as follows: “A producer or producer-packer who produces, or handles, or produces and handles less than six thousand pounds of honey per year or an importer who imports less than six thousand pounds of honey per year shall be exempt from the assessment. In order to claim such an exemption, a person shall submit an application to the Honey Board stating that their production, handling, or importation of honey shall not exceed six thousand pounds for the year for which the exemption is claimed.”

Subsec. (k). Pub. L. 101-624, §1983(2), added subsec. (k).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4602, 4608, 4611 of this title.

§ 4607. Permissive terms and provisions

On the recommendation of the Honey Board, and with the approval of the Secretary, an order issued pursuant to this chapter may contain one or more of the following provisions:

(1) Providing authority to exempt from the provisions of the order honey used for exporting and providing authority for the Honey Board to require satisfactory safeguards against improper use of such exemption.

(2) Providing that in a State with an existing marketing order with respect to honey, the objectives of which the Secretary determines are comparable to the program established under this chapter, there shall be paid to the Honey Board as provided in section 4608 of this title that portion of the national as-

essment which is above the State assessment, if any, actually paid on such honey.

(3) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures.

(4) Providing that the Honey Board may convene from time to time working groups drawn from producers, honey handlers, importers, exporters, members of the wholesale or retail outlets for honey, or other members of the public to assist in the development of research and marketing programs for honey.

(5) Providing for authority to accumulate reserve funds from assessments collected pursuant to this chapter to permit an effective and continuous coordinated program of research, promotion, and consumer information, in years when the production and assessment income may be reduced, but the total reserve fund may not exceed the amount budgeted for one year's operation.

(6) Providing for the authority to use funds collected under this chapter with the approval of the Secretary for the development and expansion of honey and honey product sales in foreign markets.

(7) Providing for terms and conditions incidental to, and not inconsistent with, the terms and conditions specified in this chapter and necessary to effectuate the other provisions of such an order.

(Pub. L. 98-590, §8, Oct. 30, 1984, 98 Stat. 3119.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4606 of this title.

§ 4608. Collection of assessments; refunds

(a) First handler of honey

Except as provided by subsections (c), (d), (e), and (i) of this section, the first handler of honey shall be responsible for the collection from the producer, and payment to the Honey Board, of assessments authorized by this chapter.

(b) Records

The first handler shall maintain a separate record on each producer's honey so handled, including honey owned by the handler.

(c) Time for payment; remission

The assessment on imported honey and honey products shall be paid by the importer at the time of entry into the United States and shall be remitted to the Honey Board.

(d) Loan and loan deficiency payments; deduction from disbursement of loan funds or loan deficiency payment made to producer

In any case in which a loan, or a loan deficiency payment is made with respect to honey under the honey price support loan program established under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or successor statute, the Secretary shall provide for the assessment to be deducted from the disbursement of any loan funds or from the loan deficiency payment made to the producer and for the amount of such assessment to be forwarded to the Honey Board. The Secretary shall provide for the producer to receive a statement of the amount of the assess-

ment deducted from the loan funds or loan deficiency payment promptly after each occasion when an assessment is deducted from any such loan funds or payment under this subsection.

(e) Producer-packers

Producer-packers shall pay to the Honey Board the assessment on the honey they produce.

(f) Inspection; books and records

Handlers, importers, producers, and producer-packers responsible for payment of assessments, and persons receiving an exemption from assessments under section 4606(e)(2) of this title, shall maintain and make available for inspection by the Secretary such books and records as are required by the order and file reports at the times, in the manner, and having the content prescribed by the order, so that information and data shall be made available to the Honey Board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of the¹ chapter or of any order or regulation issued pursuant to this chapter.

(g) Confidentiality of information; disclosure

All information obtained pursuant to subsection (f) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the Honey Board. Only such information as the Secretary deems relevant shall be disclosed and only in a suit or administrative hearing brought at the request of the Secretary or to which the Secretary or any officer of the United States is a party involving the order with reference to which the information was furnished or acquired. Nothing in this section prohibits—

(1) issuance of general statements based upon the reports of a number of handlers subject to any order, if such statements do not identify the information furnished by any person; or

(2) the publication by direction of the Secretary, of the name of any person violating any order issued under this chapter, together with a statement of the particular provisions of the order violated by such person.

(h) Refunds; submission of statement regarding amount of assessment deducted from loan funds to Honey Board; compliance

(1)(A) Except as otherwise provided in paragraph (2), any producer or importer may obtain a refund of the assessment collected from the producer or importer if demand is made within the time and in the manner prescribed by the Honey Board and approved by the Secretary; except that, during any year, the amount of refunds made to an importer, as a percentage of total assessments collected from such importer, shall not exceed the amount of refunds made to domestic producers, as a percentage of total assessments collected from such producers. Such refund shall be made by the Honey Board in June and December of each year.

(B) A producer that has obtained a honey price support loan under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or successor statute, may

obtain a refund if the producer has submitted to the Honey Board the statement received under subsection (d) of this section of the amount of assessment deducted from the loan funds and has otherwise complied with this subsection, even though the loan with respect to which the assessment was collected may still be outstanding and final settlement has not been made.

(2) With respect to the order in effect on November 28, 1990, following the referendum on such order required under section 4612(b)(2) of this title, a producer or importer may obtain a refund of an assessment under such order as provided in paragraph (1) only if the Secretary determines that the proposal to terminate refunds under the order is defeated in such referendum.

(i) Producer liability to Honey Board for payment of assessment

If a first handler or the Secretary fails to collect an assessment from a producer under this section, the producer shall be responsible for the payment of the assessment to the Honey Board.

(Pub. L. 98-590, §9, Oct. 30, 1984, 98 Stat. 3120; Pub. L. 101-624, title XIX, §1984(b), Nov. 28, 1990, 104 Stat. 3906; Pub. L. 102-237, title VIII, §807(1), Dec. 13, 1991, 105 Stat. 1883; Pub. L. 104-127, title V, §591, Apr. 4, 1996, 110 Stat. 1084.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsecs. (d) and (h)(1)(B), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1996—Subsec. (f). Pub. L. 104-127 inserted “producers,” after “importers.”

1991—Subsec. (h)(1)(A). Pub. L. 102-237 inserted “to” before “an importer”.

1990—Subsec. (a). Pub. L. 101-624, §1984(b)(1), inserted reference to subsec. (i) of this section.

Subsec. (d). Pub. L. 101-624, §1984(b)(2), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “In any case in which a loan is made with respect to any honey under the Honey Loan Price Support Program, the Secretary shall provide that the assessment shall be deducted from the proceeds of the loan and that the amount of such assessment shall be forwarded to the Honey Board. When such loan is re-deemed, the Secretary shall provide the producer with proof of payment of the assessment.”

Subsec. (f). Pub. L. 101-624, §1984(b)(3), inserted “, and persons receiving an exemption from assessments under section 4606(e)(2) of this title,” after “payment of assessments”.

Subsec. (h). Pub. L. 101-624, §1984(b)(4), designated existing provisions as par. (1)(A); substituted “Except as otherwise provided in paragraph (2), any” for “Any”, “an importer” for “to importers”, and “from such importer” for “from importers”; added subpar. (B); and added par. (2).

Subsec. (i). Pub. L. 101-624, §1984(b)(5), added subsec. (i).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4606, 4607, 4612 of this title.

§ 4609. Petition and review

(a) Filing of petition; hearing

Any person subject to an order may file, within a period prescribed by the Secretary, a writ-

¹ So in original. Probably should be “this”.